

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

BARAONA, *et al.*,

Defendants.

Case No. 1:21-cv-01448-DAD-BAM (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE WHY DOE DEFENDANTS SHOULD
NOT BE DISMISSED

(ECF No. 44)

ORDER VACATING DEADLINE FOR
PLAINTIFF TO PROVIDE WRITTEN
NOTICE IDENTIFYING DOE
DEFENDANTS FOR SERVICE OF PROCESS

Plaintiff Durrell Anthony Puckett (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action. This action proceeds on Plaintiff’s first amended complaint against: (1) Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, and Doe 1 for excessive force in violation of the Eighth Amendment; (2) Defendant Leos for sexual assault in violation of the Eighth Amendment; and (3) Defendants A. Ruiz, Martinez, E. Ruiz, Meiers, Gutierrez, A. Cruz, K. Cronister, and Jane Doe Nurse for failure to protect in violation of the Eighth Amendment.

Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A. Ruiz, E. Ruiz, Gutierrez, K. Cronister, Martinez, Meiers, and A. Cruz have been electronically served, and their responses to the first amended complaint are currently due on or before September 19, 2022. (ECF Nos. 42, 47.)

On March 17, 2022, the Court directed Plaintiff to provide the Court with written notice identifying Defendants Doe 1 and Jane Doe Nurse with enough information to locate those

1 defendants for service of process. (ECF No. 21.) When Plaintiff failed to provide such written
2 notice, the Court issued an order requiring Plaintiff to show cause why Defendants Doe 1 and
3 Jane Doe Nurse should not be dismissed for failure to prosecute. (ECF No. 44.)

4 Currently before the Court is Plaintiff's response to the order to show cause, filed as
5 "Objection to Plaintiff Failure to Prosecute with Request to Identify Doe Defendants When
6 Discovery Cut off by Date Ends," filed July 27, 2022. (ECF No. 48.) Plaintiff states that he
7 received the Court's order to show cause while on a 2-week suicide prevention watch with no
8 mail. Plaintiff states that he cannot get the names of the Doe Defendants until discovery, and
9 provides some limited identifying information about Defendants Jane Doe Nurse and Doe 1. (*Id.*)

10 The Court construes the response as a request for an extension of time to identify the Doe
11 Defendants until discovery has opened. As the remaining defendants have been served but
12 discovery has not yet opened, the Court finds it appropriate to extend the deadline for Plaintiff to
13 identify the Doe Defendants. In light of the remaining defendants' September 19, 2022 deadline
14 to respond to the first amended complaint, at this time the Court will vacate the deadline for
15 Plaintiff to identify the Doe Defendants. When discovery has opened, the Court will issue a
16 separate order setting a new deadline for Plaintiff to submit written notice identifying the Doe
17 Defendants for service of process.

18 Accordingly, it is HEREBY ORDERED as follows:

- 19 1. The June 30, 2022 order to show cause, (ECF No. 44), is DISCHARGED; and
20 2. The deadline for Plaintiff to identify the Doe Defendants is VACATED, to be reset
21 following the opening of discovery.

22
23 IT IS SO ORDERED.

24 Dated: July 28, 2022

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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